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In re Application of
Hendrick, et al.
Application No.: 10/817,625
Filed: April 1, 2004
Docket No.: IGT1P006C1R1

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: DECISION
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OFFICE OF PETITIONS

This decision is in response to the renewed petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1), filed May 7, 2007.

In response to the Ex Parte Quayle action mailed May 26, 2006, petitioners have submitted, *inter alia*, the instant request for acceptance of a supplemental declaration under 37 CFR 1.67 signed by less than all of the inventors named in the instant application.

37 CFR 1.67(a)(1) states:

"Deficiencies or inaccuracies relating to all the inventors or applicants (§§ 1.42, 1.43, or § 1.47) may be corrected with a supplemental oath or declaration signed by all the inventors or applicants."

Petitioners allege that Inventor Luciano refuses to execute the supplemental declaration.

In accordance with MPEP 603, "[w]hen an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP §409.03(a)."

A grantable petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 requires petitioners to establish that this is an extraordinary situation where justice requires waiver of the rules.

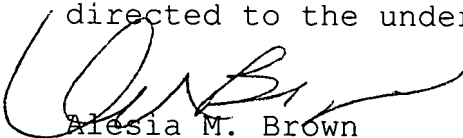
Petitioners herein have set forth additional steps taken to obtain the signature of Mr. Luciano on the § 1.67 declaration. Furthermore, petitioners have shown that *bona fide* effort has been made to present the § 1.67 declaration and supporting documentation to Mr. Luciano. Under the circumstances, it is concluded that petitioners have demonstrated that this extraordinary situation warrants waiver of the rules.

In view of the circumstances outlined in the instant petition, the 37 CFR 1.67 declaration may be entered, despite the fact that the requirement that all of the inventors sign the supplemental declaration has not been satisfied.

Accordingly, the petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67(a)(1) is hereby **GRANTED**.

The application file is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.



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